

May 19, 1999

INTRODUCTION OF THE STALKING
PREVENTION AND VICTIM PRO-
TECTION ACT OF 1999

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing the Stalking Prevention and Victim Protection Act of 1999. This legislation addresses a problem of increasing prevalence in our nation. While stalking is perhaps most popularly regarded as a crime only to be dealt with by celebrities with bodyguards and fortress-like estates, this is simply not the case. According to statistics released by the Justice Department, over 1,000,000 women and 370,000 men are victimized by stalkers every year. These estimates greatly exceed previous estimates, and clearly indicate a need for legislative redress. For this reason, I am reintroducing legislation that will provide greater protection to stalking victims.

This legislation builds on an important anti-stalking law enacted in 1996. The Interstate Stalking Punishment and Prevention Act, which was introduced by my colleague Congressman Royce, marked a significant stride in the effort to stop and prevent stalking, as it established for the first time federal penalties for interstate stalking. My bill seeks to enhance the ability of law enforcement to arrest and prosecute stalkers by broadening the definition of stalking to include interstate communications such as mail and e-mail. Furthermore, by criminalizing "threatening behavior" as opposed to "the demonstration of specific threats," this bill closes a loophole commonly used by accused stalkers to avoid conviction. The bill also include bail restrictions and enhanced sentencing provisions for repeat-offenders, along with the requirement that a mandatory protection order be issued for the victim.

I've seen first-hand the horrible effects wrought on the lives of innocent people by stalkers. I've met people who face each day with an overwhelming fear for their safety, people whose spirits have been worn down by a undaunted menace. Congress must do more to protect these people, and I see this legislation as an important step in that direction. I certainly hope that my colleagues will agree with me.

INTRODUCTION OF H.R. 1835,
NORTH KOREA THREAT REDUC-
TION ACT OF 1999

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to announce the introduction of the North Korea Threat Reduction Act of 1999, H.R. 1835. I am joined in introducing this legislation by a very distinguished bipartisan list of cosponsors, including Congressmen SHERROD BROWN and MARK SANFORD of our Committee on Inter-

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national Relations, CHRIS COX, chairman of our House Republican Policy Committee, JOHN KASICH, chairman of our Committee on the Budget, JOE KNOLLENBERG of our Committee on Appropriations, and DAVID MCINTOSH of our Committee on Government Reform and Oversight.

This legislation seeks to improve U.S. policy toward North Korea by weaving together the various elements of our policy into a comprehensive whole, and redirecting our policy in ways that will better advance our national interest.

It has long been obvious that U.S. policy toward North Korea is in need of an overhaul. That is why the Administration agreed last year to appoint a Special Policy Coordinator for North Korea, Dr. William Perry, to review the policy and make recommendations for restructuring it.

The legislation that we are introducing today is designed to complement and reinforce Dr. Perry's efforts to rationalize U.S. policy toward North Korea. Our new policy must be: comprehensive; integrated and coordinated with our Japanese and South Korean allies; backed by strengthened conventional military deterrence and theater missile defense; engender a willingness to undertake tough measures in the name of national security; and be founded on a step-by-step program of conditional reciprocity.

There remains a great deal of skepticism in the Congress about the 1994 Agreed Framework between the United States and North Korea, under which North Korea has become the largest recipient of U.S. foreign assistance in East Asia. The underground facility at Kumchang-ri may indicate that North Korea continues to pursue a nuclear weapons program notwithstanding the Agreed Framework. Other press reports suggest that North Korea may be building a parallel, uranium-based nuclear program.

Despite the skepticism of many of us in Congress, H.R. 1835 does not seek to terminate U.S. support for the Agreed Framework. To the contrary, our legislation would, for the first time ever, authorize the Administration's full request for U.S. assistance to the Korean Peninsula Energy Development Organization in FY 2000. The Administration's request of \$55 million includes a \$20 million increase over this year's funding level, and we have not taken issue with this increase.

We have, however, insisted on strict adherence by North Korea to its obligations under the Agreed Framework before these funds can be released. Our conditions are, with one exception, based on those contained in current law, and therefore should be acceptable to the Administration.

The one exception is a new requirement we have added for a certification by the President that North Korea is not seeking to develop or acquire the capability to enrich uranium. This requirement is intended to draw attention to the fact that it would make no sense for the United States to proceed with the Agreed Framework—which fundamentally is intended to deny North Korea plutonium that it could use to build nuclear bombs—if North Korea is developing the capability to enrich uranium as an alternative source of fissile material.

Our legislation also insists on strict compliance by North Korea with its obligations under

the Agreed Framework before key U.S. nuclear components can be transferred to North Korea in connection with the construction there of two light water nuclear reactors. The Agreed Framework's most important requirements in this respect are that the International Atomic Energy Agency (IAEA) must be fully satisfied that North Korea is not cheating on its obligations under the Nuclear Non-Proliferation Treaty, and that North Korea must allow the IAEA to carry out whatever inspections it deems necessary to verify that North Korea is not cheating. Under our legislation, key U.S. nuclear reactor components cannot be transferred to North Korea unless the President certifies that these requirements of the Agreed Framework have been met, and Congress has approved legislation concurring in the President's certification.

Our legislation addresses the North Korean missile threat by conditioning any relaxation of the current U.S. trade embargo of North Korea on progress in eliminating that threat. Specifically, our legislation requires North Korea to accept the Administration's current demands that North Korea institute a total ban on missile exports, and terminate its long-range missile program.

Finally, our legislation addresses a number of other elements of our North Korea policy. The legislation requires effective monitoring of U.S. food shipments to North Korea to ensure that the assistance is not being diverted to the North Korean military. It authorizes \$10 million to begin to set up a joint early warning system in the Asia-Pacific region to continuously share information on missile launches detected by governments participating in the system. It authorizes \$30 million to assist North Korean refugees in China and to support the resettlement of such refugees in South Korea and other neighboring countries.

We do not anticipate moving H.R. 1835 forward through the legislative process until we have received Dr. Perry's recommendations regarding U.S. policy toward North Korea. As Dr. Perry completes his final deliberations later this month, it is imperative that his policy recommendations address the issues identified in H.R. 1835 if the Administration hopes to garner the support of Congress and the American people. We are confident that Dr. Perry's recommendations will address these issues, and that the upshot will be a convergence between Congress and the Administration over policy toward North Korea.

H.R. 1835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korea Threat Reduction Act of 1999".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Under the Agreed Framework of October 21, 1994, the Democratic People's Republic of Korea (North Korea) committed to freeze and eventually dismantle its nuclear program, in exchange for annual deliveries of 500,000 tons of heavy fuel oil, and the construction of two 1,000 megawatt light water nuclear power reactors costing approximately \$5,000,000,000.

(2) The discovery of an apparent underground nuclear-related facility at

Kumchang-ri, North Korea brought into question North Korea's commitment to abide by the conditions of the 1994 Geneva Agreed Framework.

(3) North Korea's ongoing development, production, testing, deployment, and proliferation of ballistic missiles presents a clear and present danger to forward-deployed United States Armed Forces in Asia, United States friends and allies, and the United States.

(4) North Korea has become the largest recipient of United States foreign assistance in East Asia, valued at over \$225,000,000 in 1998 alone.

(5) North Korea is a major producer of opium and increasingly is involved in illicit narcotics trafficking.

SEC. 3. ASSISTANCE FOR THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for fiscal year 2000 \$55,000,000 for assistance to the Korean Peninsula Energy Development Organization (KEDO).

(2) ADDITIONAL REQUIREMENT.—Assistance under paragraph (1) may be provided notwithstanding any other provision of law (other than subsections (b), (c), (d), and (e) of this section).

(b) PROHIBITION ON ASSISTANCE TO NUCLEAR REACTOR CONSTRUCTION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by subsection (a), or made available under any other provision of law, may be used to assist the construction of nuclear reactors in North Korea.

(c) CONDITIONS FOR RELEASE OF FUNDS.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by subsection (a), or made available under any other provision of law, may be made available to KEDO, or for assistance to North Korea for purposes related to the Agreed Framework, until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(5) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended;

(6) the United States has reached agreement with North Korea satisfying United States concerns regarding suspect underground construction, and North Korea has complied with its obligations under that agreement;

(7) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel; and

(8) the United States has made and is continuing to make significant progress on

eliminating the North Korean ballistic missile threat, including its ballistic missile exports.

(d) WITHHOLDING OF FUNDS PENDING SOLICITATION OF ALL POTENTIAL DONOR GOVERNMENTS TO KEDO.—Amounts appropriated in excess of \$35,000,000 pursuant to the authorization of appropriations under subsection (a) may not be made available to KEDO until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the United States has asked all potential donor governments, including Taiwan, to contribute to KEDO;

(2) no contributions offered unconditionally by such governments to KEDO have been declined; and

(3) even after such contributions are received, KEDO will have financial requirements in fiscal year 2000 that can only be met by the provision of more than \$35,000,000 in assistance from the United States.

(e) LIMITATION ON USE OF SPECIAL AUTHORITIES.—The authority of section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) may not be used to authorize the provision of assistance that cannot be provided due to any prohibition, restriction, or condition on release of funds that is contained in subsection (b), (c), or (d).

SEC. 4. FOOD ASSISTANCE TO NORTH KOREA.

Notwithstanding any other provision of law, none of the funds authorized to be appropriated by section 3(a), or made available under any other provision of law, may be made available for food assistance for North Korea until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the Government of the Republic of Korea concurs in the delivery and procedures for delivery of United States food assistance to North Korea;

(2) previous United States food assistance to North Korea has not been significantly diverted to military use;

(3) North Korean military stocks have been expended to respond to unmet food aid needs in North Korea.

(4) the United Nations World Food Program or other private voluntary organizations registered with the United States Agency for International Development have been permitted to take and have taken all reasonable steps to ensure that food deliveries will not be diverted from intended recipients, including unannounced, unscheduled, and unsupervised visits to recipient institutions and farmers' markets by Korean-speaking monitors affiliated with the United Nations World Food Program or other private voluntary organizations registered with the United States Agency for International Development; and

(5) the United States Government has directly, and indirectly through appropriate international organizations, encouraged North Korea to initiate fundamental structural reforms of its agricultural sector.

SEC. 5. RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.

(a) IN GENERAL.—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation (as defined in sec. 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become

effective, no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and no approval may be given for the transfer or re-transfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until—

(1) the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), and has taken all steps that have been deemed necessary by the IAEA in this regard;

(B) North Korea has permitted the IAEA full access to all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea's initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea.

(C) North Korea is in full compliance with its obligations under the Agreed Framework;

(D) North Korea is in full compliance with its obligations under the Joint Declaration on Denuclearization;

(E) North Korea does not have the capability to enrich uranium, and is not seeking to acquire or develop such capability, or any additional capability to reprocess spent nuclear fuel;

(F) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(G) the transfer to North Korea of key nuclear components, under the proposed agreement for cooperation with North Korea and in accordance with the Agreed Framework, is in the national interest of the United States; and

(2) there is enacted a joint resolution stating in substance that the Congress concurs in the determination and report of the President submitted pursuant to paragraph (1).

(b) CONSTRUCTION.—The restrictions contained in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws.

SEC. 6. CONTINUATION OF RESTRICTIONS ON TRANSACTIONS WITH NORTH KOREA PENDING PROGRESS ON BALLISTIC MISSILE ISSUES.

(a) CONTINUATION OF RESTRICTIONS.—

(1) CONTINUATION OF RESTRICTIONS.—All prohibitions and restrictions on transactions and activities with North Korea imposed under section 5(b) of the Trading with the Enemy Act (as in effect on July 1, 1977), as set forth in part 500 of title 31, Code of Federal Regulations as in effect on April 1, 1999, shall remain in effect until the President submits the determination and report described in subsection (b), and—

(A) the authority of section 501.803 of title 31, Code of Federal Regulations (relating to the authority to modify chapter V of title 31, Code of Federal Regulations) and other provisions of law may not be used to modify such prohibitions and restrictions, as in effect on such date, and

(B) no prohibition or restriction on transactions or activities set forth in subpart B of part 500 of title 31, Code of Federal Regulations, as in effect on April 1, 1999, may be authorized after that date, other than those

transactions and activities specifically authorized under subpart E of such part, until such determination and report are so submitted.

(2) **REVOCACTION OF PRIOR MODIFICATIONS AND AUTHORIZATIONS.**—Any modification otherwise prohibited under paragraph (1)(A) that is made after April 1, 1999, and before the date of enactment of this Act, and any authorization granted after April 1, 1999, and before the date of enactment of this Act, for a transaction or activity otherwise prohibited under paragraph (1)(B), shall be revoked as of such date of enactment.

(b) **TERMINATION OF RESTRICTIONS.**—The determination and report referred to in subsection (a) is a determination by the President, reported to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(1) North Korea has agreed to institute a total ban on exports of missiles, missile components, and missile technology;

(2) there is no credible evidence that North Korea has, during the 1-year period prior to the date of the President's determination, exported missiles, missile components, or missile technology;

(3) North Korea has terminated its long-range missile program, including all efforts to acquire, develop, test, produce, or deploy such missiles;

(4) North Korea is in full compliance with its obligations under the Agreed Framework;

(5) North Korea is in full compliance with its obligations under the Joint Declaration on Denuclearization;

(6) North Korea does not have the capability to enrich uranium, and is not seeking to acquire or develop such capability, or any additional capability to reprocess spent nuclear fuel; and

(7) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(c) **REIMPOSITION OF RESTRICTIONS.**—Should the President become aware of information establishing that North Korea—

(1) has exported missiles, missile components, or missile technology,

(2) is seeking to acquire, develop, test, produce, or deploy long-range missiles,

(3) is not in full compliance with its obligations under the Agreed Framework or the Joint Declaration on Denuclearization,

(4) has the capability to enrich uranium or is seeking to acquire or develop such capability or additional capability to reprocess spent nuclear fuel, or

(5) is seeking to acquire, develop, test, produce, or deploy nuclear weapons,

then the requirements of subsection (a) shall be reimposed notwithstanding any determination and report submitted under subsection (b).

SEC. 7. BALLISTIC MISSILE DEFENSE IN THE ASIA-PACIFIC REGION.

(a) **POLICY OF THE UNITED STATES.**—It shall be the policy of the United States to work with friendly governments in the Asia-Pacific region to develop and deploy ballistic missile defense capable of countering ballistic missile threats in the region.

(b) **JOINT EARLY WARNING SYSTEM.**—Of the funds appropriated to carry out the provisions of section 23 of the Arms Export Control for fiscal year 2000, up to \$10,000,000 is authorized to be made available to support the establishment of a joint early warning system in the Asia-Pacific region. Such system shall have as its purpose the continuous sharing of information on missile launches

detected by the governments participating in the system, and may include the establishment by such governments of a joint early warning center.

SEC. 8. REFUGEES FROM NORTH KOREA.

(a) **POLICY OF THE UNITED STATES.**—It shall be the policy of the United States to oppose the involuntary return of the North Korean refugees to North Korea, to support the provision of international assistance to such refugees in the People's Republic of China and other countries of asylum, and to facilitate the resettlement of such refugees in South Korea and other neighboring countries.

(b) **AUTHORIZATION OF ASSISTANCE FOR REFUGEES FROM NORTH KOREA.**—Of the funds appropriated for "Migration and Refugee Assistance" for fiscal year 2000, up to \$30,000,000 is authorized to be made available for assistance to North Korean refugees in the People's Republic of China and other countries of asylum, and to support the resettlement of such refugees in South Korea and other neighboring countries.

SEC. 9. REPORT TO CONGRESS ON THE AGREED FRAMEWORK.

Not later than 90 days after the date of enactment of this Act, the President shall submit to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate a report on the following:

(1) The projected total cost of the two 1000 MW(e) light water nuclear reactors that are to be constructed in North Korea pursuant to the Agreed Framework, the portion of this total cost that South Korea and Japan have committed to pay, the potential sources of funding for the portion of this total cost that South Korea and Japan have not committed to pay, and the maximum portion of this total cost, if any, that the President anticipates will be paid by the United States.

(2) Of the projected total cost identified in response to paragraph (1), the portion of this cost that North Korea will be obligated to repay, the likely terms upon which such repayment will be required, and the possible sources of revenue from which such repayment will be made.

(3) The degree to which North Korea's electrical power distribution network will have to be upgraded in order to distribute the electrical power that will be generated by the two 1000 MW(e) light water nuclear reactors that are to be constructed in North Korea pursuant to the Agreed Framework, the projected cost of such upgrades, and the possible sources of funding for such upgrades.

(4) The advantages to North Korea of building non-nuclear power plants rather than light water nuclear power plants, including—

(A) the cost saving that could be realized by building non-nuclear electric power plants with a total generation capacity of 2000 MW(e) rather than two light water nuclear power plants with that same capacity;

(B) the projected date by which non-nuclear electric power plants with a total generation capacity of 2000 MW(e) could be completed, compared with the projected date by which two light water nuclear power plants with that same capacity will be completed; and

(C) the advantages for electric power distribution that could be realized by building a number of non-nuclear electric power plants with a total generation capacity of 2000 MW(e) rather than two light water nuclear power plants with that same capacity.

SEC. 10. DEFINITIONS.

In this Act:

(1) **AGREED FRAMEWORK.**—The term "Agreed Framework" means the "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed in Geneva on October 21, 1994, and the Confidential Minute to that Agreement.

(2) **IAEA.**—The term "IAEA" means the International Atomic Energy Agency.

(3) **KEDO.**—The term "KEDO" means the Korean Peninsula Energy Development Organization.

(4) **NORTH KOREA.**—The term "North Korea" means the Democratic People's Republic of Korea.

(5) **LONG RANGE MISSILE.**—The term "long range missile" means a missile with a range of 1000 kilometers or more.

(6) **JOINT DECLARATION ON DENUCLEARIZATION.**—The term "Joint Declaration on Denuclearization" means the Joint Declaration on the Denuclearization of the Korean Peninsula, signed by the Republic of Korea and the Democratic People's Republic of Korea on January 1, 1992.

SENIORS SAFETY ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CONYERS. Mr. Speaker, crimes and abuses against seniors have become an increasing problem in America. From physical assault to health care fraud and telemarketing scams, which cost Americans approximately \$40 billion per year, our seniors are being abused physically and financially. Such abuses take place intentionally, but also in the form of neglect. For example, seniors in nursing homes often fail to receive the care and medications they need—an alarming occurrence considering that some experts estimate that over 40 percent of seniors will need some form of nursing care.

This is why I, along with Representatives UDALL and HOFFEL, am introducing the Seniors Safety Act of 1999. This bill represents a comprehensive solution to the problems I've just described. It takes a two-pronged approach—prevention and punishment—to crimes against seniors, including health care fraud, injury, telemarketing scams, nursing home neglect.

In addressing prevention, the bill directs the Attorney General to conduct a study of what crimes are committed, what the risk factors are, and what strategies can prevent future occurrences. From that information, we can create real solutions to this ever-increasing problem. The bill also directs the Sentencing Commission to determine whether enhanced punishments would deter such crimes from recurring.

We are facing a crisis in this country—a crisis of abuse and neglect of America's seniors. With this legislation, we can work in a bipartisan manner with our colleagues in the House and Senate to ensure that they are not taken advantage of anymore.